The Bill is very simple and non-controversial. I am sure that it will be passed unanimously.

With these words, I commend the Bill for consideration by this House.

The question was put and the motion was adopted

THE DEPUTY CHAIRMAN: We shall now take up... (*Interruptions*).

Order, please. We shall now take up clause-by-clause consideration of the Bill.

Clause 2 was added to the Bill. Clause 1, the Enacting Formula and the title were added to the Bill.

SHRI GHULAM NABI AZAD: I move:

"That the Bill be passed."

The question was put and the motion was adopted

THE DEPUTY CHAIRMAN: Mr. Gautam, I hope you are not going to forgo your other flights, twelve flights.

RE: DUNKEL DRAFT TEXT

THE DEPUTY CHAIRMAN: Now, Shri P. J. Kurien to move the Government Motion on the Dunkel draft text. (*Interruptions*)

SHRI S. JAIPAL REDDY (Andhra Pradesh): Madam Deputy Chairman, we wish to draw the attention of the House and of the Government. (*Interruptions*) Madam, would you kindly call the House to order? (*Interruptions*) Madam, we are about to discuss, perhaps, the most important economic decision this country is about to take, in the history of free India.

Therefore, we suggested in the morning that this Dunkel draft text should be referred to a Joint Parliamentary Committee, so that the Joint Parliamentary Committee can study the matter in all its ramifications. We have an apprehension that the Government of India has already capitulated to the powers that be. We are, of course, keen on a debate, but a debate in a hurry, in the House, would not serve the purpose. I, therefore, would like to know from the Government as to whether the Government is prepared to refer the matter to a Joint Parliamentary Committee.

I have also an alternative proposal to make. In case the Government has any difficulty in referring the matter to a Joint Parliamentary Committee, I call upon the Government to make a commitment here and now that they would not make any international commitment in regard to the Dunkel draft text until and unless the matter is discussed and decided in Parliament, in the next Session.

I would like to know from the hon. Minister as to what his response is in respect of the two alternative proposals. (*Interruptions*)

THE DEPUTY CHAIRMAN: Let Mr. Jagesh Desai have his say. Then, I will allow others.

SHRI JAGESH DESAI (Maharashtra): Madam, I oppose the proposal for referring this matter to a Joint Parliamentary Committee because it would not serve the purpose. The issue would be discussed there and it would take three-four months. Within this period, at the GATT conference, the whole Dunkel proposals would be passed. Therefore, it would not serve the purpose at all. That is why I want that this House should discuss it. Let us give our views as to what we want to do in this aspect of the matter. Otherwise, the purpose would be lost. I therefore, stoutly oppose the proposal to refer it to a Joint Parliamentary Committee. (*Interruptions*)

THE DEPUTY CHAIRMAN: Let everybody speak one by one. If your suggestions are registered in a peaceful manner, I am sure the Government also can take a view on it. But if there are too many people speaking together, Government would not know. Mr. Dipen Ghosh.

SHRI DIPEN GHOSH (West Bengal): Madam Deputy Chairman, today, in fact, we discussed this matter in the Business Advisory Committee. Yesterday, when the suggestion came from the Minister of Parliamentary Affairs that we should discuss the Dunkel draft text also, as we had certain apprehensions and doubts on this, we felt that at the fag end of the Session, such a serious matter cannot be taken up for discussion because a full-fledged discussion cannot take place within the limited time. Then, today morning, when there was a proposal from the Government that we should take up the two Constitution (Amendment) Bills, during the discussion, we agreed to take up the two Constitution (Amendment) Bills only on the condition that as the discussion on the two Constitution (Amendment) Bills would take away considerable time, the Dunkel draft text should not be taken up for discussion. A proposal was made by my colleague, Mr. Yashwant Sinha, that the two Constitution (Amendment) Bills be taken up for consideration and passing. There was also another proposal made by one of the Members belonging to the ruling party that the issue—the Dunkel draft text—should be referred to a Joint Parliamentary Committee, so that ,in that Committee, Members belonging to the various parties could discuss it and come out with a set of recommendations to the Government. The ruling party, for that matter, the Government, had given an impression that this would be done, But unfortunately, now we are told, let it be discussed, it would not be referred to any Joint Parliamentary Committee—as Mr. Jagesh Desai belonging to that party has stated.

SHRI JAGESH DESAI: It is the view of the Members of the...

...(*Interruptions*)...

AN HON. MEMBER: What about the Congress Party?

SHRI DIPEN GHOSH: But the point is, I am told that within another 15 days negotiations will take place and the Government of India representatives are going there to discuss and negotiate. But what will they negotiate? What is their point of view? Will they get the approval of the Parliament of India before signing that document, because we know that acceptance of the Dunkel proposals will barter away the sovereignty of our country? The Parliament of India cannot allow any Government to barter away the sovereignty of the country. That way, whether it would be referred to a Joint Parliamentary Committee or not, the Government must give a commitment on the floor of Parliament that it will not sign any document without getting the prior approval of the Parliament of India. That is my proposal.

SHRI YASHWANT SINHA (Bihar): Madam, I just want to put certain things on record. My colleague have already stated the understanding which was reached in the morning—I would not like to repeat it. I would only say that it would amount to going back on the understanding that we had reached in the morning. I would also like to put on record that we have been pressing for many months now, ever since December, 1991 when the Dunkel draft text was put before Parliament.

SHRI JAGESH DESAI: Not only you.

SHRI YASHWANT SINHA: "We, we!"—cutting across party lines. I would like to place on record that whenever this matter had been raised in this House, cutting across party

times we had taken a view. Now it was our desire that this matter should be discussed in Parliament, that the Parliament of India should assert its authority and we should be able to tell the Government what stand it should take in regard to the Dunkel proposals. Unfortunately, today is the last day of the session. It is already past six o'clock. Everyone knows that no seriousness can attach to discussions at this point of time on the last day of the session. Many Members have already left. I would, therefore, very humbly urge upon the Government, we are not against discussion. Let me assure my colleagues like Mr. Jagesh Desai, we are not shying away from a discussion because we have a very important point of view to express. And as far as the Government is concerned, I would like to tell the Government that on any stand that you take with or without reference to the opinions expressed in the Parliament of India, you will have to come back to Parliament because you will not be able to implement the Commitments that you make in Geneva without coming to this Parliament and amending some very important laws which stand in our Statute Book. So, you will have to come back. Therefore, let us not take a confrontationist attitude on this issue. My suggestion in the morning was, my suggestion today is, let the Parliament of India give its opinion. It need not take six months. Our opinion is that discussions are going on. President Clinton is going to be inaugurated next month; he is going to take a look at it. We do not know that attitude France will take on agricultural subsidies. There are still a number of uncertainies and I don't think it is going to be finalized by the 15th of January. So, there is still time and we have moved motions before this House, suggesting that you have a Joint Parliamentary Committee which will report by the first day of the next session, which will be time enough for this Parliament to consider the important aspects of these proposals and tell the Government what Parliament thinks. I think it will be a travesty of the stature, the majesty, of Indian Parliament if we do not, on this issue—as my colleague, Mr. Jaipal Reddy has said, on an issue of such far-reaching importance which concerns the very fundamentals of our economic policy the very future of this country—if the voice of Parliament is not heeded. So, without running away from a discussion, where we have very important points to make, I would suggest that the Government please stand by its commitment to have a Joint Parliamentary Committee.

SHRI H. HANUMANTHAPPA (Karnataka): Madam, I have only two points to make. One is about the Joint Parliamentary Committee. Madam, the purpose of forming a Joint Parliamentary Committee is to save the time of Parliament and to have an in-depth study of the subject. Rightly or wrongly. I was a member of several Joint Parliamentary Committees. But again, even in regard to today's Panchayati Raj and Nagarpalika Bills, even though the Joint Parliamentary Committee, wherein all the parties were represented, sat and discussed everything, still Parliament has taken the time to discuss. So, in the Joint Parliamentary Committee whatever we formulate and discuss for a number of days, again the Parliament has to discuss and give its opinion on it. So, there is no use sending it to the Joint Parliamentary Committee.

Secondly on the question of taking it up on the last day, I think the friends on the other side also will agree, the ruling party is not responsible for it. From somewhere Ram came in the way of Dunkel discussion. Let me not elaborate on that. Otherwise if we had carried on the business of the House, perhaps this House would have more time and we could have discussed it threadbare.

Thirdly, now the negotiation is already on, I am told.

SHRI GHULAM NABI AZAD: No. (*Interruptions*)

SHRI H. HANUMANTHAPPA: Please. But if the team is going to discuss, let there be the views of the Parliament before it. Whatever negotiations they hold, whether they come to a final conclusion or not, if the Parliament discusses this issue; that will be a guiding principle. Those who are participating in the negotiations they will have the views of Parliament before taking a final decision. So, it is all the more necessary to discuss and have our views expressed. It will be a guideline to the Government also enabling them to take their stand in the further negotiations.

SHRI DINESHBHAI TRIVEDI (Gujarat): Why don't you call a special session of Parliament in January in order to have a detailed discussion on it?

श्री जगदीश प्रसाद माथुर : (उत्तर प्रदेश) : महोदया, हम लोग वहां से देखते रहे हैं कि दुनिया का एक हिस्सा खास तौर से वैस्टर्न पावर्ज़ हिंदुस्तान को किसी न किसी प्रकार से झमेले में डालने के प्रयत्न करते रहे हैं । . . . **(व्यवधान)**

उपसभापति : आप भाषण नहीं, बोल दीजिए ।

श्री जगदीश प्रसाद माथुर : और उसके पश्चात डंकल प्रोपोज़ल्स उसका एक सबूत है। मैं डंकल प्रोपोज़ल्स के मेरिट्स में नहीं जाना चाहता, जाने की आवश्यकता नहीं है, लेकिन एक बात स्पष्ट है कि डंकल प्रोपोज़ल्स पूरे के पूरे जिस रूप में हैं, कोई भी हिंदुस्तान का आदमी—अनाड़ी से अनाड़ी कहेगा कि हम स्वीकार नहीं करेंगे। जैसे के तैसे हैं।

लेकिन विषय यह है कि सरकार ने पिछले साल-डेढ़ साल से इसकी चर्चा होते हुए भी इस चीज को चर्चा में क्यों नहीं लाये। इसमें से मुझे संदेह होता है कि सरकार ने अपना एक मन बना लिया है और संसद की आवाज को वह सुनना नहीं चाहते । नहीं तो दो सेशन हो गये, तीन सेशन हो गये, इस सेशन के प्रारंभ में ला सकते थे ।

मेरे मित्र संघ प्रिय गौतम कहते हैं कि आज कर लो । आज अगर बहस हो भी जाए, तो आपने जो पहले से मन बना लिया है, तो हमारी बात को कौन सुनेगा । मैं नहीं जानता कि मेरे मित्रों के साथ मंत्री महोदय की क्या बात हुई थी कि ज्वाइंट सिलैक्ट कमेटी बनेगी कि नहीं बनेगी। लेकिन मैं पूछना चाहता हूं कि इस पर गहराई से विचार करने से यह डरते क्यों हैं । सदन के अंदर बहस होगी या होती, लेकिन बैठ कर के इकट्ठा एक्रास दी टेबल जिसे कहते हैं, चर्चा करके चीजों को सुलझाना एक अलग बात है, जिसका कि ज्वांइट सिलैक्ट कमेटी एक मैथड है और सदन में एक भरी हुई चर्चा सैद्धांतिक करना एक अलग बात है ।

तो मेरा आग्रह यह है कि पहले तो सरकार यह बताये कि आपने आज तक इसे दबे-छुपे क्यों रखा है ? आपकी मंशा क्या है ? आप हिंदुस्तान की जनता को क्यों अंधेरे में रखना चाहते हैं ? आम आदमी डंकल प्रोपोज़ल्स क्या हैं, समझेगा नहीं, लेकिन सदन में बैठे हुए लोग तो समझ सकते हैं । आपने उनके प्रतिनिधियों के साथ नहीं, आपने हिंदुस्तान की जनता के साथ धोखा किया है ।

तो मेरा कहना यह है कि—पहली बात तो यह बताइये कि आपने मन बनाया है या नहीं बनाया है ?

आप कहेंगे कि नहीं बनाया ।

क्यों नहीं बनाया ? आप अभी जनवरी में जाकर दस्तखत करने वाले हैं। मनमोहन सिंह जी कोई अनाड़ी खिलाड़ी नहीं हैं, बड़े मजे हुए व्यक्ति हैं और खुद आई०एम०एफ० में रहे हैं । तो कोई यह माने कि. . . **(व्यवधान)**

एक माननीय सदस्य : यह मंझे हुए ज्यादा ही हैं। ...(*व्यवधान*)

श्री जगदीश प्रसाद माथुर : .... कि सरदार जी ने, सरकार ने मन नहीं बनाया है। तो मैं कहूंगा कि आपने धोखे में रखा है।

तो मैं फाइनेंस मिनिस्टर से कहूंगा कि कम से कम सदन में यह तो बता दें कि आपने मन क्या बनाया है? उस पर तो अपना भाव कह दें, और अभी देर नहीं हुई है। आप वहां पर अपनी आवाज जो भी उठायें, अगली सत्र तक के लिए आप इसे रोक दीजिए। अगर चाहते हैं तो अभी प्रोरोग करके दूसरा सैशन बुला लीजिए या प्रोरोग न करें, 5–6 दिन बाद दोबारा बुला लीजिए। लेकिन बहस करिए, बहस करिए। यदि आप ज्वाइंट सलेक्ट कमेटी नहीं चाहते, ज्वाइंट सिलेक्ट कमेटी होती तो बहुत अच्छा था। जैसे मैंने कहा कि मेज के ऊपर बैठ कर बहस करके कोई निचोड़ निकालना अलग होता है और सदन में बहस एक अलग होती है। कभी कोई बात आज तक आपने मानी है? मुझे इतिहास दिखा दीजिए या पेज दिखा दीजिए कि सदन में कोई बात हुई हो आपने अमल किया हो। एक भी उदाहरण हिन्दुस्तान के इतिहास में मुश्किल से मिलेगा कि जब कोई महत्वपूर्ण बात कही हो और सरकार ने स्वीकार कर ली हो। यदि आप बहस भी कर लेंगे तो केवल मुंह दिखावा होगा। अब तक ज्वायंट सिलेक्ट कमेटी ही थी और होनी चाहिए। इसलिए मैं सरकार को इसके ऊपर अपना एतराज प्रकट करता हूं और निवेदन करता हूं कि कम से कम परमात्मा के लिए अपना मन खोलिए कि क्या आप क्या कर रहे हैं और जे०पी०सी० बननी चाहिए।

SHRI GURUDAS DAS GUPTA (West Bengal): Madam Deputy Chairman, I must submit that the Government is stealthily going back from its position. In the morning we were given to understand that the Government is in no mood to rush through this discussion. But all of a sudden, the Minister of Parliamentary Affairs stands up and says that there should be a discussion. My point is: Why this hurry? If it is a matter of colossal national importance, is it the proper away to discuss it? If the Government wants to be guided by the parliamentary deliberations, surely, this is not the way to get the parliamentary wisdom. Therefore, if the Government believes that there is a hurry, then, let the Government say that. Madam, the point is, there is no hurry because there is a change of administration in the United States of America. There are reasons to believe that the new administration is inclined to give a fresh look to the whole Dunkel proposal in view of the widespread protests and discontentment in Western Europe. Madam, you must be aware about the reaction from the French farmers. What has happened in Germany? Therefore, in view of these developments, it is quite likely that the new administration of the United States is inclined to give a new look at it.

THE DEPUTY CHAIRMAN: Why don't you make it a part of your speech?

SHRI GURUDAS DAS GUPTA: Therefore, my point is that there is no hurry at all. Government wants to give a seal of parliamentary approval on its pre-determind position That is where I disagree. Government wants the Parliament to agree to its position. Taking that strength, Government will tell the nation: "Yes, we have done something because we have been empowered by the Parliament." No. It cannot be. Such an important national problem cannot be discussed at the fag-end, closing hour of the parliamentary session. If the Government is interested, let there be a special session. If the Government is interested, let there be a Joint Select Committee. Without going through the normal procedure, this hurrying business, this hurrying

[Shri Gurudas Das Gupta]

tactic is against all sorts of justified parliamentary democracy.

SHRI M. A. BABY (Kerala): Madam Deputy Chairman, the argument that actually we do not have much time available is totally wrong. In today's *Times of India* in its business page, there is a reproduction from the *Financial Times*. It is an article from Geneva. I quote:

> "One senior US official insisted that while negotiators remained ready to settle the Uruguay Round which has made faltering progress for the past six years, the obstacles remained at a political level back in national capitals: "I don't see any change in circumstances between the last week and Christmas that are likely to make a mid-January conclusion possible.""

Madam, if you read along with this what is happening in European capitals including France, peasants are up in arms throughout France. They are setting symbols of America on fire. They have set on fire a Coca Cola factory. Later on the chief of the Coca-Cola factory had to come out and say: "I am happy that my firm was set on fire. My firm is considered as a symbol of the USA." Madam, so many things are happening in different parts of the world. Now, I would like to ask the Government this. When you agree for a discussion, what is the meaning of the discussion? As has been already mentioned by some of my hon colleagues, you have already made up your mind. I know that the delegation is already there in Geneva. Negotiations are continuing. If you have already made up your mind, then, only superficially, to make people believe that there was a parliamentary discussion, you are going to have an infructuous discussion at the fag-end of this Session. Therefore, I support the demand that if necessary, there should be a special one-week Session to specially discuss this. That is the first option. We are giving options.

The second option is, let this be referred to a Joint Parliamentary Committee. Madam, during the Session we have witnessed the demolition of an edifice of the secular foundation in our country. If the Government of India is going to sign this GATT, then that would demolish the economic sovereignty of our country. Nothing less than that. And we cannot be silent spectators to this. Our posterity will question us, will try us. It will say, "These are the Members of Parliament who have sat here as silent spectators when these things had been behind our back." We will have no reply to the posterity. Therefore, at any cost, we are not going to cooperate with the Government to mortage the economic sovereignty of our country. Thank you, Madam.

THE DEPUTY CHAIRMAN: Now, ... (*Interruptions*). There are many people to speak. We might as well have a debate. It is almost a debate. (*Interruptions*). Just a minute. Mr. Bhandare had originally given a notice for sending these Dunkel proposals to a Joint Select Committee. Therefore I am asking Mr. Bhandare to speak now.

SHRI MURLIDHAR CHANDRAKANT BHANDARE (Maharashtra): Madam, I am making only...

THE DEPUTY CHAIRMAN: Yes.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: I am not moving anything at this moment.

THE DEPUTY CHAIRMAN: I know you are not. But you are expressing your views. We have not reached the stage of moving anything.

SHRI P. SHIV SHANKER (Gujarat): We are presently on the motion that has to be moved.

THE DEPUTY CHAIRMAN: Yes. He is not moving. (*Interruptions*). Just a minute, please. I am just asking him to give his opinion. (*Interruptions*).

SHRI P. SHIV SHANKER: I would also like to say something.

THE DEPUTY CHAIRMAN: I will give you a chance.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: Madam, it is really unfortunate that the discussion on the Dunkel proposals should come up before this House so late. I do not apportion any blame because things slipped out of everybody's control. But, let it not be forgotten that a discussion on this will not only decide the future of our country but will also decide whether we are going to have a unipolar world, whether we are going to have a non-violent, democratic, equal, world where there is equal sharing of resources. I think it is very, very fundamental and this is one reason why I feel that there should be a full discussion and, if it is necessary, as has been expressed, let us sit till the dawn breaks tomorrow. But kindly let us look at article 8.1 of the agreement on trade-related aspects of intellectual property rights, including trade in counterfeit goods. It reads as follows:

"'Parties' may..."

We will be one of the parties.

"...in formulating or amending the national laws and regulations, adopt measures necessary to protect public health and nutrition and to promote the public interest or sectors of vital importance to the socio-economic..." (*Interruptions*).

उपसभापति: मेरी बात न कहिए । आप क्या चाहते है, डिस्कस हो या न हो ?

SHRI MURLIDHAR CHANDRAKANT BHANDARE: They say that we must take... (*Interruptions*).

SHRI YASHWANT SINHA: He is on a very important point.

SHRI MURLIDHAR CHANDRAKANT BHANDARE:

"...After providing that we must take into account our technological and socio-economic development to provide medicines to every man and today 70 per cent are out of the net." (*Interruptions*).

SHRI GURUDAS DAS GUPTA: We know that. Do you want to discuss that?

SHRI MURLIDHAR CHANDRAKANT BHANDARE: The is a proviso.

"Provided that such measures are consistent with the provisions of this agreement."

Once we adopt this, it means that we will have to change the law. Madam, may I have your ears?

THE DEPUTY CHAIRMAN: Yes. I have turned them toyou. Do you want my eyes or ears?

SHRI MURLIDHAR CHANDRAKANT BHANDARE: Both.

THE DEPUTY CHAIRMAN: My ears are absolutely tuned to you.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: What I personally feel is that it is far too serious a matter. It must be treated with all the importance and urgency. There should be a real attempt to ascertain the wishes of Parliament and those wishes should be properly reflected in the negotiations whenever they take place. I am,therefore, requesting you, Madam to see that we have really a full-fledged discussion on this subject today.

उपसभापति: पहले शिवशंकर जी बोल उसके बाद आप बोल ले ।

श्री प्रमोद महाजन (महाराष्ट्र): उन्होंने जे०पी०सी० के बारे तो बोला ही नही ।

उपसभापति: बिठाकर लिया (व्यवधान)

Yes. We could have started the discussion if the House so agrees. If the House doesn't agree, then we cannot have a discussion. Let us at least come to some solution.

SHRI P. SHIV SHANKER: Madam, out of the observations that have come from the various Members, two issues arise. The first issue is the matter of discussion on the Dunkel draft and the second issue is the matter of

[Shri P. Shiv Shanker]

reference to the Joint Parliamentary Committee. On the first point, I would like to make a submission that it is true that various Members in this House, from time to time had been demanding discussion on the Dunkel draft because it pertains to the various issues. It is a very hefty document and I am sure, the Government must have already taken a certain provisional decision on the draft. They might have come to certain provisional conclusions which they should share with the House whereupon we can discuss it. I am not in favour of referring this matter to the JPC. I will straightway make this submission. It is not possible for the Government to the armed with the opinion of the JPC and the mandate of this House when you are sitting in the multilateral discussions. In the multilateral fora, the Government must have been a leepway. You have to carry on with the developing countries and with the under-dveloped countries. You have also to make adjustments here and there. Supposing, the Parliament puts its imprimatur and clearly says, "thus far and no further" then it will be very difficult on the multilateral fora for the Government to discuss and come to certain conclusions. What I would therefore suggest is that the Government which must have by now arrived at certain provisional conclusions, must share with the House so that we could discuss whether these conclusions are the proper conclusions and the Parliament could suggest the broad parameters to the Government under which the discussion could take place. Therefore, if the matter is referred to the JPC, it is fraught with dangerous consequences because if the JPC says, "This is our approach" and the House adopts it, then that is a mandate for the Government which is has to follow. It will be very difficult for the Government to follow it up in a multilateral discussion. Therefore, I suggest that this matter need not go to the JPC but the Government must come forth with their document of the provisional conclusions before us so that we can discuss it and lay down certain broad parameters. If we do not agree on certain issues and if we feel that it is totally against the national interest, then we will express ourselves so that the Government is armed with our opinion when it goes for discussion and before it affixes its signature because as Mr. Bhandare was trying to put it, once you affix your signature, you will have to amend all the national laws in terms of the signature that you affix. Therefore, you must take Parliament into confidence before you proceed and you proceed only with the parameters that we lay down so that you can discuss it.

THE DEPUTY CHAIRMAN: Now, can anything more be added? Yes, Mr. Gopalsamy. You say whether you want to discuss it or not. Why do you not want to discuss it? That everybody else has said. Do you want to discuss it or do you want to send it to the JPC?

SHRI V. GOPALSAMY (Tamil Nadu): Madam, I am emphasising the point that the Parliament should discuss the Dunkel proposal. If the Government of India puts its signature, then the laws of our country have to get amended. The matter is very serious. Because of this fact, we have been emphasising that there should be a Joint Parliamentary Committee to go into all its aspects, all its remifications. That is what we have been demanding. We have been demanding all these days a debate on Dunkel proposals, a thread-bare discussion. We have to respect the sentiments of the minorities. Tomorrow, the 24th December, means Chrismas eve. Most of the Members have already left. Therefore, Madam, there is no purpose in holding this debate at the fag-end of the Session by sitting very late. That is my point of view.

SHRI DINESHBHAI TRIVEDI: Madam, India is the largest democracy in the world and whatever we think will have a lot of effect on the entire mankind as such and we

are proud of that. I have no doubt there are genius sitting in both the Houses of Parliament. It is quite possible that if we have a thorough discussion, very original ideas may come about and those ideas could be beneficial to the world at large. It is quite possible that we can have indicated that they are not in a hurry. If they are not in a hurry, If they are not in a hurry, may I ask the Government why we are rushing this through? At least, we, in front of the world, are giving an impression that we are rushing this through not at the fag-end of the day, but at the fag-hour of the day. So, my plea to the Government is this. If they are not in a hurry, what is the compulsion? Why can't we meet after seven days and spend, may be, two days or three days discuss it threadbare and be with the world. I don't understand what the objection is. I would like to know that, and I suggest either we break our recess of reconvene our Parliament Session overcoming whatever technicality is there. We should discuss it threadbare. Thank you.

THE DTPUTY CHAIRMAN: Would you like to [illegible]thing Mr. Jagmohan?

SHRI JAGMOHAN (Nominated): Madam, I would like to point out that these proposals which are contained have far-reaching implications so far as political independence of the Government is concerned. Here, not only the question of economic issues is involved. Earlier, as you know, military domination or political manipulation could rule us. Now they are wanting to indirecty rule us by these methods. Today it is a very, very important document and we shold not rush it through; whether we call a special Session or discuss it later, that is a different matter.

The second point is the Government must come forward with what its views are and the particular views on which it wants to have a specific discussion. If they just want to have a general discussion, I don't just understand it ...(*Interruptions*)... No; the paper gives only a general indication. ...(*Interruptions*)... Theyp should say what they support and what proposal they want to discuss; what the implications of their accepting or rejecting a proposal. And then that has to be seen in the totality of the circumstances. So the Governmen must make up its mind and say that this is their thinking and they support the proposal because of the following reasons, or they do not support it particularly because of the following reasons. And they should also indicate—they must have had informal discussions with other developing countries—what they are thinking in other developing countries which are similarly affected. So they should come forward with their proposal.

THE DEPUTY CHAIRMAN: Now I have heard many voices of dissent and those in favour of a discussion. Those who are dissenting have asked that the Government should come forward with a proposal. Now I can't allow the Government to come forward without a proper motion being moved in the House. Under which rules will I allow the Minister to come forward with a proposal? If you don't agree with the motion, then I ask the Government what they want to do. I allowed you to state your reservaions. How can the Minister speak? Under which rule will be speak? (*Interrupions*)...

SHRI YASHWANT SINHA: The Minister will move a motion. ...(In. (*Interruptions*) ..

SHRI S. JAIPAL REDDY: The Minister has heard all of us. Let him react. (Interruptions)...

SHRI SIKANDER BAKHT: It cannot be decided by voting. (*Interruptions*)...

SHRI YASHWANT SINHA: There is likely to be a motion from the Minister. That is a very neutral kind of motion because the Government has not committed itself. It is only an explanatory motion or a statement

[Shri Yashwant Sinha]

which tries to indicate the implications. So, it is only an information document. So, the point which was made by Mr. J. P. Mathur... (*Interruptions*)...

SHRI GURUDAS DAS GUPTA: Madam, it is only an information document. It can be supplied by the Secretariat. It cannot spell out the stand of the Government. What is the material basis on which we can discuss it? (*Interruptions*)...

THE DEPUTY CHAIRMAN: Just a minute, please. What I want to say is that I have allowed the Members to express their views opposing the Government's proposal for a discussion on the Dunkel proposals. Now, if you want the Minister to speak, under which rule will he give his speech and spell out the Government's stand? ...(*Interruptions*)... I am not asking. I have not informed the hon. Members that you are speaking without any rule. (*Interruptions*) ... I cannot allow the Government to speak on without a rule. I permitted you because the Government wanted to bring it. But you are opposing it. ...(*Interruptions*)... They have not yet moved a formal motion. I allowed your dissent because the House is agitated and I have been witnessing that. Mr. Yashwant Sinha has been telling me in the last three or four sessions and I have personally spoken to the Minister to come forWard and to have a discussion in the House. Now let the Government, if they want to react, react.

SHRI SIKANDER BAKHT (Madhya Pradesh): What are they thinking about?

श्री शंकर दयाल सिंह : (बिहार) : मैडम्, मेरी बात सुनलें। डंकल प्रस्ताव के बारे में विचार हो या न हो, सरकार क्या चाहती है क्या नहीं चाहती है, वह अलग बात है। लेकिन इस गंभीर विषय पर केवल अंग्रेजीदा लोगों के ही विचार नहीं हैं। डंकल प्रस्ताव से देश में अगर सबसे अधिक प्रभाव पड़ने वाला है तो हमारी कृषि पर, गरीबों पर, खेतीहारों पर, किसानों पर और ग्रामीण व्यवस्था के ऊपर, क्योंकि हमारी अर्थ-व्यवस्था को डंकल प्रस्ताव के कारण जो क्षति पहुंचने वाली है उससे यही होगा कि कृषि जनित जो हमारा देश है, वह बरबाद हो जाएगा। मैं आपसे यह कहना चाहता हूं कि डंकल प्रस्ताव जो आया है वह 440 पन्नों का है, एक-दो पन्नों का नहीं है। उसको हिन्दी और अंग्रेजी दोनों भाषाओं में पहले सर्क्यूलेट कराओ और सरकार एक आश्वासन दे कि जब तक हाउस में डिस्कशन नहीं होगा तब तक एक इंच भी फर्दर इसमें वह आगे नहीं बढ़ेगी, यह मैं आश्वासन चाहता हूं।

श्री जगदीश प्रसाद माथुर : आपने यह मान लिया है कि डंकल प्रोपोजल हरएक मेम्बर को प्राप्त हो गया है? आपने वह भी सर्क्यूलेट नहीं किया। ...(**व्यवधान**)

THE DEPUTY CHAIRMAN: The hon. Minister wants to say something.

THE DEPUTY MINISTER IN THE MINISTRY OF COMMERCE (SHRI SALMAN KHURSHEED): Madam, I have heard the sentiments of all the Members very carefully and I also appreciate how earnestly and sincerely they have expressed their apprehension. I would only like to say that we have, over the last several months, made several attempts to bring this matter to the House for discussion. We have made a solemn assurance that this matter would be discussed in the Parliament before we take a final position in the negotiations at Geneva. Our concern today is not a matter of haste but a sense of urgency. The sense of urgency is only due to the fact that our negotiating team is already in Geneva since the 7th of December. It is quite possible that a final settlement would not be reached because of the several points that have been raised and because of the change of administration in the United States of America and because of some seriously fell dissent in Europe. It is

quite possible that the final settlement will not be made. But the fact remains that day-to-day effort is being made to continue with the negotiations. Since an effort is being made to continue with the negotiations our team cannot sit there as a lame-duck team without a brief even to negotiate. Today our team has no brief to negotiate till such time as we give them a green signal that the Parliament has... (*Interruptions*)...

SHRI S. JAIPAL REDDY: Why did they go without a brief ... (*Interruptions*)... What have you been doing?... (*Interruptions*)...

SHRI SALMAN KHURSHEED: I do not think it is fair for the hon. Members to comment before I have said the entire thing. India cannot unilaterally decide not to send a team on the 7th of December when 108 countries of the world are sending their teams. But India can certainy tell its team not to make a final commitment till we give them the green signal to discuss... (*Interruptions*)...

SHRI ASHISH SEN (West Bengal): That means the provisional thing has been done ... (*Interruptions*)...

SHRI SALMAN KHURSHEED: Subsequent to discussion... (*Interruptions*)... I am not yielding.

THE DEPUTY CHAIRMAN: Let the Minister speak... (*Interruptions*)...

SHRI SALMAN KHURSHEED: What happened in the past is that we tried to place before the hon. Members papers on the basis of which discussions could take place. We first gave a few papers which the hon. Members felt was too long. We then produced another set of papers which the hon. Members felt was too short. But enough time has been available to all of us to get ourselves familiar with the aspcts that are involved, I agree that the aspects that are involved are of a very serious nature. But I do earnestly request the House, the whole world is watching us, we on either side of this House would not budge an inch to compromise the sovereignty of this country. I know the House feels so nevertheless, we are not separate and isolated in the world. If I might borrow from Hon-ingway: "No man is an island by himself. So when the bell tolls ask not to whom it tolls for it tolls for thee." When 108 countries sit down to work out an equitable and balanced multilateal trading system for the world, India cannot say it is not going to be a part of these negotiations. But the concern the House feels and the apprehensions that the House feels have been felt by the Congress Party by the authorities in power, by this Government. These concerns have been addressed to in our own exercises that we have done. We are prepared to share with you each of these points if the discussions take place. In a candid fashion, with a great sense of honesty and earnestness we are prepared to share with you whatever we have been able to arrive at after a deliberate exercise—meeting with the industrialists, meeting with the professionals, meeting with the various groups that feel one way or the other on these negotiations. We are prepared to place them before the House. The House can then come to a conclusion whether we are right and if we are right how far we should negotiate and how far we should not negotiate. It is quite possible that we have strengths in certain areas which we can utilise to negotiate a better bargain in other areas. Where the House feels concerned such as in the areas of pharmaceutical patents we have strengths in other areas which may help us to negotiate a better solution in the area of pharmaceutical patents. I would also earnestly say to the House that there are many areas in which

[Shri Salman Khursheed]

the apprehensions are misfounded **The apprehensions are misfounded in the area of medicine. The feeling that the prices of medicines will go** up... (*Interruptions*) ...

SHRI S. JAIPAL REDDY: No. No (*Interruptions*) ...

SHRI JAGESH DESAI: Please do not get into a controversy... (*Interruptions*) ...

SHRI YASHWANT SINHA: I think we have made our position very clear. We are not interested in a slip shod discussion. We are interested a detailed discussion. There must be a detailed discussion and I do not think that is going to be possible. So the Government should find a way out... (*Interruptions*)... We have made our suggestions and now let them make counter-suggestions. We cannot discuss from 7 P.M. to 9 P.M. today and mortgagethe future of this country. We are not ready for it... (*Interruptions*) ...

SHRI DIPEN GHOSH: The Minister of Parliamentary Affairs owes an explanation to us. He has misled the House. What was he doing... (*Interruptions*) ...

THE DEPUTY CHAIRMAN: You wanted the Minister and the Government to come forward with their viewpoints. Now the Minister is only doing that. Now the Minister is only doing that. If you don't agree with him. But there is no point at this late hour to be so emotional. If you don't want to agree, don't agree. Say so... (*Interruptions*) ...

SHRI DIPEN GHOSH: Madam Deputy Chairperson....

THE DEPUTY CHAIRMAN: Please you wanted him to speak... (*Interruptions*) ...

SHRI DINESHBHAI TRIVEDI: They have not even spoken to the farmers. The farmers are the most affected... (*Interruptions*)

SHRI DIPEN GHOSH: Madam Deputy Chairperson, the Deputy Minister for Commerce has stated that the team went on 7th...

THE DEPUTY CHAIRMAN: Just a minute, Mr. Dipen Ghosh. I was really not in favour of starting a discussion without a proper motion being moved in the House. But you wanted the Government to say so. I asked the Minister to state their views. Now if you don't agree, we will do as the House agrees... (*Interruptions*)

SHRI GURUDAS DAS GUPTA: The Government wants an intructuous discussion. We are opposing the casual stand the casual move, of the Government. It is abosolutely casual... (*Interruptions*) That is what we are opposing... (*Interruptions*)

श्री प्रमोद महाजन : महोदया, सदन के सामने जो प्रश्न है उसे समझने में हम गलती कर रहे है। सदन के सामने यह प्रश्न है कि डंकिल प्रस्ताव अच्छे हैं या बुरे हैं, उनका कौन सा प्रस्ताव अच्छा है, कौन सा बुरा है, उसका देश पर कितना प्रभाव पड़ेगा, सरकार का उस पर क्या अमल अमल होगा, यह चर्चा का विषय अभी नहीं है क्योंकि प्रस्ताव आया यही नहीं है सदन में। चर्चा का विषय यह है कि क्या सरकार ने यह कहा था कि डंकिल प्रस्ताव पर आज चर्चा किए बिना हम इसको जे.पी.सी. को रैफर करेंगे और मुझे लगता है कि इसमें कामर्स मिनिस्टर को रिप्लाइ नहीं देना है, इसमें रिप्लाई देना है पार्लियामेंटरी अफेयर्स मिनिस्टर को कि क्या उन्होंने जे.पी.सी. की मांग मानी थी ? डिस्कशन के लिए सत्ता पक्ष और विपक्ष भी तैयार है। 6 से 12 बजे तक कर सकते हैं। सुबह हमें यही कहा गया था कि पंचायत राज विधेयक हम पास

कर दें और जहां तक डंकिल प्रस्ताव की चर्चा का सवाल है उसको संयुक्त चिकित्सा समिति में ले जाकर उस पर चर्चा करेंगे...

श्री एस. एस. अहलुवालिया (बिहार) : अगर चिकित्सा ही होती है समिति में तो राम के नाम पर सदन का समय क्यों खराब किया गया? ... (**व्यवधान**)

उपसभापति : चिकित्सा ही होती है, देखभाल होती है, उन्होंने ठीक कहा है।

He is right...(*Interruptions*) He is absolutely right. He said it in a very humorous manner ...(*Interruptions*)

SHRI DIPEN GHOSH: We opposed the six-day holiday in the Rajya Sabha. Why did they agree? Why didn't they come with the proposal? (*Interruptions*)

SHRI V. NARAYANASAMY: The BJP Members didn't allow the discussion...(*Interruptions*)...

SHRI DIPEN GHOSH: We didn't want the six-day recess. We wanted the Session to continue and wanted to discuss the matter. It was the Government who came out with the proposal of six-day recess...(*Interruptions*)

SHRI DINESHBHAI TRIVEDI: Without a proper discusion...(*Interruptions*) Everything cannot be discussed behind the curtain ...(*Interruptions*)

श्री प्रमोद महाजन : उपसभापति महोदया, इनकी क्या गलती थी। इसकी चर्चा से अभी कुछ वापस नहीं आएगा। मैं जानना चाहता हूं कि क्या इसे ज्वाइंट पार्लियामेंटरी कमेटी को भेजने के लिए सरकार तैयार है या नहीं। इसका उत्तर अपने आप मंत्री जी दे दें या अभी इसे डिस्कस करें।

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI GHULAM NABI AZAD): Madam Deputy Chairperson, let us be very, very clear. It is most unfortunate that a senior Member of this House like Mr. Dipen Ghosh could say like this? (*Interruptions*)

SHRI DIPEN GHOSH: What say like this?

SHRI GHULAM NABI AZAD: You must have the patience to hear others. Have patience. Don't be one-sided. You have been pointing out all the time. You listen to others also.

Madam, when we were sitting with the Chairman you were also there. Everybody else was there. The Leader of the House was there. The Minister of State for Parliamentary Affairs was there. There was a proposal by a senior Member of this House, Shri Yashwant Sinhaji, that it should be referred to a Select Committee. Madam, I was the first person to say, "I will not promise. I will go back to the Ministries of Commerce and Health to discuss about it and then we will decide. Otherwise, I am not making any promise." To say that I have misled is most unfortunate. Yashwant Sinhaji is here. If he says so, I am ready to quit Parliament. Let him say so. Any such allegation on the part of Members that I promised, is most unfortunate. I said I would get back. Let the Government decide. The Government will take a view. Until the Government takes a view, I am sorry I am not going to promise anything .... (*Interruptions*)...

THE DEPUTY CHAIRMAN: Now the question is whether you want to discuss it or not...(*Interruptions*).. If you do not want to discuss, then we can adjourn the House.

SHRI S. JAIPAL REDDY: Madam, I have a suggestion..(*Interruptions*)

SHRI GURUDAS DAS GUPTA: We want a discussion in the normal way but not the way the Government wants. We do not want an infructuous discussion (*Interruptions*)... That is tire House should agree. Is there any proposal from the Government that it should be discussed in the air?.. How could we discuss? ...(*Interruptions*)...

SHRI GHULAM NABI AZAD: Hon. Members of this House wanted a discussion on this particular subject. It is the discretion of hon. Members to discuss. If they do not want to discuss, we can discuss it in the next session also..

SHRI GURUDAS DAS GUPTA: We had suggested in the morning that we wanted a discussion. Opposition never says that we do not want a discussion. wanted a dicussion...(*Interruptions*). You promised to come back. Madam, he promised to come back. He never came back...(*Interruptions*)... You never informed the Leader of the Opposition as to what the reaction of the other House was. If Dipen Ghosh can be accused, I have my point. The Minister of Parliamentary Affairs promised to come back. Did he come back? He wanted to consult the other House. He wanted to consult the Minister. But he has not consulted afterwards...(*Interruptions*)..

SHRI GHULAM NABI AZAD: I had said in the morning that the other House was discussing. I did not make any mention of the other House...(*Interruptions*)...

SHRI GURUDAS DAS GUPTA: You said you would have to consult the other House...(*Interruptions*)...

SHRI GHULAM NABI AZAD: It is totally a double-talk. This cannot be tolerated. I did not make any mention of the other House. If you can cry from the roof-top, do you think that others cannot cry? Do you think you can say anything whatever you like?...*Interruptions*)...

SHRI GURUDAS DAS GUPTA: Did not say that he would try to consult the come back?

THE DEPUTY CHAIRMAN: the Speaker, the Minister and the Prime Minister and come to us? Did you please .. (Interruptions).. All of you please sit down...(*Interruptions*)..

SHRI GHULAM NABI AZAD: Whatever the position my Government has taken with that I am coming back.

SHRI P. SHIV SHANKER: Some position has to be made clear. The Deputy Minister of Commerce has already observed that he will take the House into confidence with certain provisional conclusions that they have already arrived at. Let him bring the papers. In the next session, the moment it starts, we will discuss the Dunkel draft...(*Interruptions*)... We will discuss this ...(*Interruptions*)...

SHRI YASHWANT SINHA: I think some things have to be put straight because Mr. Ghulam Nabi Azad referred to me and said that if I say something, then he is prepared to quit Parliament. Let me make it very clear, Madam Deputy Chairman, that in the morning when this proposal was made, it was not opposed. The impression that we got from the Parliamentary Affairs Minister was that he would consult the Minister of Commerce and come back and let us know. You see, we have been working with a great deal...(*Interruptions*)... Let me make it very clear that we have been working with a great deal of co-operation. They came to us this morning after yesterday's Business Advisory Committee meeting. We accommodated. They cannot accuse the Opposition of stalling. I am just saying that we are approaching this issue also in a spirit of co-operation. We are trying to find out..(*Interruptions*).. We are just trying to find a way out for a fruitful discussion in this Hosue. This is the whole issue. This House must be able to apply its mind and must be

able to come out with a line, with a very clear line. The voice of Parliament must be projected properly and we feel that it will not be possible in the short time that we have at our disposal today and that is why we are suggesting to call a special session later, to call a special session of Rajya Sabha later. Do something. Please find a way out. This is what we are saying. There is no reason for confrontation or loss of temper on this issue.

AN HON. MEMBER: After eight days, you can call a special session.

THE DEPUTY CHAIRMAN: Now what does the House want?

SHRI DINESHBHAI TRIVEDI: A special session.

SHRI GURUDAS DAS GUPTA: What the Government wants us to do, we want to know.

THE DEPUTY CHAIRMAN: We have had enough serious discussion and angry interactions. But, I think, if the House so feels that the Members do not have enough time, they need more time, and they want the Government to have another session, I don't think the Parliamentary Affairs Minister can off-hand say that he is going to have another session. He will have to ask the Government and take a decision about it. So, if the Members feel that this discussion cannot take place now, then we can adjourn the House.

(*Interruptions*)

SHRI S. JAIPAL REDDY: Madam, I have an important submission to make.

(*Interruptions*)

SHRI V. GOPALSAMY (Tamil Nadu): Madam, adjourn the House.

(*Interruptions*)

SHRI P. SHIV SHANKER: Madam, you may please adjourn the House. This issue could be discussed on the very first or the second day of the Budget session. Meanwhile, as has been observed by the Deputy Minister for Commerce, he should send the notes to all the Members so that we could be ready for the discussion. We are prepared to start the discussion the moment the Budget session starts.

SHRI JAGESH DESAI: That is what the Minister has said.

THE DEPUTY CHAIRMAN: Please make sure that the Hindi copies are also supplied.

SHRI DINESHBHAI TRIVEDI: Please call the Budget session a little early.

SHRI S. JAIPAL REDDY: Madam, we are not insisting on an immediate reference to a Joint Parliamentary Committee. All we are concerned about is that the Government of India should not make any commitment in any international forum behind the back of Parliament because the Parliament will be bound by the commitments you make in an international forum. Therefore, we want one assurance in the alternative from the Government that they will not make any commitment unless the matter is discussed thoroughly in the House, either through a special session or in the Budget session. Will you at least make this offer or commitment to this House that you will not make a commitment unless you take the House into confidence?

SHRI SALMAN KHURSHEED: Madam, may I just explain our difficulty? And as the House wishes, we will certainly abide by the wishes of the House. Since the negotiations, may, as I said earlier, take place, perhaps, at a greater pace than they have been in the last week, we would need to negotiate issue by issue. If the House feels that no final signature be put to any agreement that is reached before the House has an opportunity to discuss this matter thread-

[Shri Salman Khursheed]

bare, we will certainly take the wishes of the House into account. We have said this even earlier. We stand by this commitment. But we would appreciate so much consideration from the House that the negotiating team that is there should be able to negotiate issue by issue, and it should not appear as though that is being done as a sleight of hand. Whatever conclusions they come to, whatever stage of negotiations they reach would be available to us when we come here for a discussion.

SHRI YASHWANT SINHA: Madam, I would make only one amendment to what the hon. Deputy Minister of Commerce has said. I understand that the international negotiations will not wait necessarily for the Parliament of India to take a view. You might have some compulsions. I would only suggest that when you feel that a critical point has been reached where some commitments have to be made, where the involvement of the Parliament or the direction of the Parliament is necessary, that is the occasion when, I think, the Government will be good enough to call a session of the Rajya Sabha and have the views of the Rajya Sabha.

(Interruptions)

SHRI SALMAN KHURSHEED: Madam, I am grateful to the House for the consideration they have shown to the Government in its predicament in international negotiations. I will go further and say that whenever we feel it is necessary and we feel it is important, we will also informally be in touch with the Leaders of the Opposition parties to keep them informed. *(Interruptions)*

SHRI GURUDAS DAS GUPTA: No Leader is empowered to speak for the Party. The Parliament must be called to meet.

(Interruptions)

THE DEPUTY CHAIRMAN: Now that matter is closed.

Now, I have to make an announcement that Mr. Sitaram Kesri, the Minister of Welfare, is going to make a statement about reservation in promotion for the Scheduled Castes and Scheduled Tribes in the wake of the judgement of the Supreme Court in Indira Sawhney versus Union of India, and other cases. If the House wishes, the Minister will lay it on the Table of the House.

SHRI S. JAIPAL REDDY: No, no, we want to hear him.

THE DEPUTY CHAIRMAN: Then you will ask for clarifications!

SOME HON. MEMBERS: Yes.

THE DEPUTY CHAIRMAN: Let me make one more announcement. Mr. Balram Jakhar, the Minister of Agriculture, would like to lay on the Table of the Rajya Sabha today, a copy of the Draft Agricultural Policy Resolution.

Draft Agricultural Policy Resolution

THE MINISTER OF STATE IN THE MINISTRY OF PALIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI M. M. JACOB): Madam, on behalf of Shri Balram Jakhar I lay on the Table of the House the Draft Agricultural Policy Resolution.

श्री प्रमोद महाजन : (महाराष्ट्र) : आप सीताराम केसरी जी के वक्तव्य के बाद रखिये, बाद में ले करिये, अभी कापी नहीं है आपके पास।

उपसभापति : मेरे हाथ में कापी है, मैं उनको दे देती हूं।

श्री प्रमोद महाजन : कागज वही हो जो आप दे रही हैं।